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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,673	07/11/2005	Matthias Muth	DE02 0143 US	1887

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PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
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EXAMINER

RAHMAN, FAHMIDA

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 05/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/517,673	Applicant(s) MUTH, MATTHIAS	
	Examiner Fahmida Rahman	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In a preliminary amendment dated on 12/7/2004, applicant cancelled claims 12-15, amended claims 1-11. Thus, claims 1-11 are pending.

Information Disclosure Statement

The information disclosure statement filed on 12/07/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy filed on 10/30/2001 has been received.

Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. Applicant mentioned in line 25 of page 5 of the specification that Fig 1 is a block diagram of a prior art embodiment. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3, 5, 7, 8, 9, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 8 recite the limitation "addressing and/or activating" in line 1 and line 2 respectively. It is not apparent whether it is intended as "addressing and activating", or

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as “addressing or activating”. For the rest of the action, it is assumed that “a method of addressing and activating” is intended. Appropriate correction is required.

Claims 2, 3, 7 and 11 recite the limitation “and/or match” in line 8, line 4, line 7 and line 11 respectively. It is not apparent whether it is intended as “and match”, or as “or match”. For the rest of the action, it is assumed that “and match” is intended by the applicant. Appropriate correction is required.

Claim 5 recites the limitation “the transceiver unit and/or is implemented” in lines 2-3. It is not appeared whether it is intended as “the transceiver unit and is implemented”, or as “the transceiver unit or is implemented”. For the rest of the action, it is assumed that “the transceiver unit and is implemented” was intended. Appropriate correction is required.

Claim 9 recites the limitation “comparator and/or message filter” in line 6. It is not apparent whether it is intended as “comparator and message filter”, or as “comparator or message filter”. For the rest of the action, it is assumed that “comparator or message filter” was intended. Appropriate correction is required.

3. Claims 1-3, 6-11 are rejected under 35 U.S.C. 112, second paragraph for reciting a broad range or limitation together with a narrow range or limitation.

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A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). In the present instance, claims 1, 6, 7, 9, 11 recite the broad recitation "one serial data bus", and the claim also recites "in particular a CAN bus" which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that "one serial bus" is intended.

Claim 2 recites the broad recitation "the application", and the claim also recites "particularly at least one application controller unit" which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that "the application" is intended.

Claim 3 recites the broad recitation "the application", and the claim also recites "particularly the application controller unit" which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that "the application" is intended.

Claims 6-7, 9, 11 recite the broad recitation "one serial data bus", and the claim also recites "in particular at least one CAN bus" which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that "one data bus" is intended.

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Additionally, claims 6 and 7 recite the broad recitation “one transceiver unit”, and the claim also recites “in particular a transceiver unit claimed in claim 4” which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that “one transceiver unit” is intended.

Claim 8 recites the broad recitation “one data bus”, and the claim also recites “in particular at least one CAN bus” which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that “one data bus” is intended.

Claim 10 recites the broad recitation “one timing generator”, and the claim also recites “in particular a quartz unit” which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that “one timing generator” is intended.

Additionally, claim 10 recites the broad recitation “timing of its own”, and the claim also recites “in particular quartz timing” which is the narrower statement of the range/limitation. For the rest of the action, it is assumed that “timing of its own” is intended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinrich et al (US Patent 6470393).

For claim 1, Heinrich et al teach the following limitations:

A method of addressing and activating (abstract) at least one user ("DK" nodes shown in Fig 1; lines 22-24 of column 3) that is associated with at least one serial bus (the combination of 13 and 15 in Fig 1) and is intended to carry out at least one application ("DK" comprises data processing unit as mentioned in lines 18-20 of column 5. Thus, it carries out applications), characterized in that, in the event of at least one incoming message occurring on the data bus (lines 54-58 of column 2), at least one protocol controller unit ("MC" in Fig 2) associated with the user is supplied with the voltage first (lines 51-60 of column 2).

For claim 2, the protocol controller unit is addressed by the incoming message (lines 50-55 of column 1), in that the incoming message is compared with at least one reference message that is associated with the application (lines 43-50 of column 2) and is stored in the protocol controller unit (lines 7-11 of column 3), and if there is a correspondence

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and match between the incoming message and the reference message (lines 50-60 of column 5) at least one acknowledgement goes (lines 45-46 of column 6).

Heinrich et al does not explicitly mention the following limitations:

One acknowledgement goes to at least one transceiver unit connected upstream of the user and the application is activated by the transceiver unit.

However, the data nodes of Heinrich et al are capable of constituting a transmitter or a receiver. Thus, data nodes can be considered as capable of constituting a transceiver unit. The acknowledgement needs to be transmitted from microcontroller to the transceiver in order to let the other nodes know that the data node is activated fully. When the transceiver receives data from bus, it forwards the data to the data processing unit and hence, activates the application.

For claim 3, MC is the application is only supplied with voltage if there is a match (lines 45-46 of column 6).

For claim 4, note Fig 2. Here MC comprises both protocol controller unit and application controller unit.

For claim 5, transceiver must comprise control logic.

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For claim 6, "UR" in Fig 2 is the first voltage regulator connected to battery (15) and in communication with a transceiver unit ((lines 10-12 of column 1) for supplying a protocol controller unit ("MC" in Fig 2), which is associated with one user ("DK" in Fig 1) for carrying out application (MC comprises data processing unit. Therefore, application is processed in data processing unit), with voltage in the event of one incoming message (lines 40-46 of column 6) that occurs on serial data bus (13).

For claim 9, Heinrich et al teach the following limitations:

A protocol controller unit ("MC" in Fig 2) for comparing at least one incoming message (lines 43-50 of column 2; lines 50-55 of column 5) **which occurs on at least one serial bus** (the combination of 13 and 15 in Fig 1) **with at least one stored reference message** (lines 55-60 of column 5) **which is associated with at least one application** ("DK" comprises data processing unit as mentioned in lines 18-20 of column 5. Thus, it carries out applications) **to be carried out by at least one user** ("DK" nodes shown in Fig 1; lines 22-24 of column 3) **characterized in that, in the event of at least one incoming message occurring on the data bus** (lines 54-58 of column 2), **at least one protocol controller unit ("MC" in Fig 2) associated with the user is supplied with the voltage first** (lines 51-60 of column 2).

For claim 10, microcontroller has timing of it's own (lines 33-35 of column 10).

For claim 11, Heinrich et al teach the following limitations:

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An application controller unit ("MC" in Fig 2) supplied with the voltage only in the event (lines 45-46 of column 6) comparing at least one incoming message (lines 43-50 of column 2; lines 50-55 of column 5) which occurs on at least one serial bus (the combination of 13 and 15 in Fig 1) with at least one stored reference message (lines 55-60 of column 5; lines 6-16 of column 3) which is associated with at least one application ("DK" comprises data processing unit as mentioned in lines 18-20 of column 5. Thus, it carries out applications) to be carried out by at least one user ("DK" nodes shown in Fig 1; lines 22-24 of column 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinrich et al (US Patent 6470393), further in view of Hanf et al (US Patent 6438462)

For claims 7 and 8, Heinrich et al teach the following limitations:

the voltage regulator "UR" is connected to battery unit 15 which is in communication with a transceiver unit ((lines 10-12 of column 1) for supplying a application controller unit ("MC" in Fig 2), which is associated with one user ("DK" in Fig 1) for carrying out application (MC comprises data processing unit), in the event of a correspondence and

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match between at least one incoming message that occurs in serial bus and at least one reference message (lines 50-60 of column 5) stored in one protocol controller unit (lines 7-11 of column 3) and associated with the application (lines 43-50 of column 2).

Heinrich et al do not teach the two voltage regulators. Hanf et al teach second voltage regulator connected to battery unit (Fig 14).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teachings of Heinrich et al and Hanf et al One ordinary skill in the art would have been motivated to use two regulators, since that would provide the redundancy of the system.

Conclusion

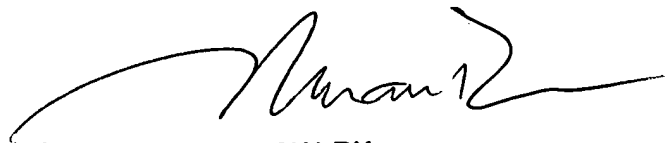
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahmida Rahman whose telephone number is 571-272-8159. The examiner can normally be reached on Monday through Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fahmida Rahman
Examiner
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A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a long horizontal flourish extending to the right.

THUAN N. DU
PRIMARY EXAMINER